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8 **BEFORE THE**
BOARD OF VOCATIONAL NURSING AND PSYCHIATRIC TECHNICIANS
9 **DEPARTMENT OF CONSUMER AFFAIRS**
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. VN-2010-2509

12 **JANELLE DOROTHY BRANDT**
P.O. Box 582
13 Bangor, California 95914

A C C U S A T I O N

14 Vocational Nurse License No. VN 154576

15 Respondent.

16
17 Complainant alleges:

18 **PARTIES**

19 1. Teresa Bello-Jones, J.D., M.S.N., R.N. ("Complainant") brings this Accusation solely
20 in her official capacity as the Executive Officer of the Board of Vocational Nursing and
21 Psychiatric Technicians ("Board"), Department of Consumer Affairs.

22 2. On or about October 9, 1991, the Board issued Vocational Nurse License Number
23 VN 154576 to Janelle Dorothy Brandt ("Respondent"). Respondent's vocational nurse license
24 was in full force and effect at all times relevant to the charges brought herein and will expire on
25 August 31, 2013, unless renewed.

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4. Code section 118, subdivision (b), provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued or reinstated. Under Code section 2892.1, the Board may renew an expired license at any time within four years after the expiration.

The Board may suspend or revoke a license issued under this chapter [the Vocational Nursing Practice Act (Bus. & Prof. Code, 2840, et seq.)] for any of the following:

6. Code section 2878.5 states, in pertinent part:

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COST RECOVERY

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1 **CAUSE FOR DISCIPLINE**

2 **(Impairment While on Duty)**

3 8. At all times herein mentioned, Respondent was employed as a licensed vocational
4 nurse at Oroville Hospital located in Oroville, California, and was assigned to the night shift as a
5 medical/surgical floor nurse.

6 9. Respondent's license is subject to disciplinary action pursuant to Code section
7 2878(a), on the grounds of unprofessional conduct, as defined by Code section 2878.5(b) because
8 Respondent used alcoholic beverages and/or controlled substances to an extent or in a manner
9 dangerous or injurious to herself and others and/or to the extent that such use impaired her ability
10 to conduct her nursing duties safely.

11 10. On or about December 12, 2010, between approximately 2230 and 2245 hours,
12 Respondent reported for work at the hospital as a license vocational nurse on the "med/surg
13 floor". Prior to reporting for work, Respondent drank four "Rum and Cokes". While performing
14 a patient assessment, Respondent became nauseous and used the patient's bathroom to vomit.

15 11. At approximately 0115 hours, Respondent was escorted to the emergency room
16 ("ER"). At approximately 0154 hours, a urine toxicology test and blood alcohol test was
17 administered to Respondent. The test results revealed Respondent had a blood alcohol level of
18 .03% and was positive for cannabinoids. Respondent was then evaluated by a physician and
19 admitted she drank five cocktails per day. The physician's clinical impression was that
20 Respondent was suffering from "alcohol withdrawal" and was impaired to the point she could not
21 return to work. The physician's discharge recommendations included that Respondent have
22 treatment with a counselor regarding her alcohol use.

23 12. On or about January 7, 2011, Respondent signed a "Return to Work Agreement" with
24 the hospital. Respondent admitted in the agreement that she was observed to be under the
25 influence of alcohol and/or controlled substances while on duty, in violation of the hospital's
26 policies and procedures, and that she had an alcohol or substance abuse problem.

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1 PRAYER

2 , WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
3 and that following the hearing, the Board of Vocational Nursing and Psychiatric Technicians
4 issue a decision:

5 1. Revoking or suspending Vocational Nurse License Number VN 154576, issued to
6 Janelle Dorothy Brandt;

7 2. Ordering Janelle Dorothy Brandt to pay the Board of Vocational Nursing and
8 Psychiatric Technicians the reasonable costs of the investigation and enforcement of this case,
9 pursuant to Business and Professions Code section 125.3;

10 3. Taking such other and further action as deemed necessary and proper.

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12 DATED: 5/23/13



13 TERESA BELLO-JONES, J.D., M.S.N., R.N.
14 Executive Officer
15 Board of Vocational Nursing and Psychiatric Technicians
16 Department of Consumer Affairs
17 State of California
18 Complainant
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